

Joseph R. Saveri (State Bar No. 130064)
Steven N. Williams (State Bar No. 175489)
Cadio Zirpoli (State Bar No. 179108)
Christopher K.L. Young (State Bar No. 318371)
Elissa A. Buchanan (State Bar No. 249996)
Travis Manfredi (State Bar No. 281779)
JOSEPH SAVERI LAW FIRM, LLP
601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com
swilliams@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
eabuchanan@saverilawfirm.com
tmanfredi@saverilawfirm.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

J. DOE 1, et al.,
Individual and Representative Plaintiffs,
v.
GITHUB, INC., et al.,
Defendants.

Case Nos. 4:22-cv-06823-JST
4:22-cv-07074-JST

**OMNIBUS DECLARATION OF JOSEPH
R. SAVERI IN SUPPORT OF
PLAINTIFFS' RESPONSES IN
OPPOSITION TO DEFENDANTS'
MOTIONS TO DISMISS**

1 I, Joseph R. Saveri, declare as follows:

2 1. I am an attorney duly licensed to practice in the State of California. I am a partner
3 and founder of the Joseph Saveri Law Firm, LLP (“JSLF”), counsel of record for Plaintiffs Does
4 1–4 in this action. I have personal knowledge of the matters stated herein and, if called upon, I
5 could competently testify thereto. I make this declaration pursuant to 28 U.S.C. Section 1746 in
6 support of Plaintiffs’ Responses in Opposition to Defendants’ Motions to Dismiss.

7 2. Plaintiffs recognize that proceeding anonymously is unusual. Plaintiffs, however,
8 filed under pseudonyms because they reasonably feared they would be subject to threats of
9 retaliation and physical violence. Unfortunately, these fears turned out to be well-founded.
10 Indeed, the threats of physical violence predate the filing of Plaintiffs’ operative complaint.

11 3. Attached hereto as **Exhibit 1** is a true and correct copy of a threatening and
12 disturbing message sent to counsel for Plaintiffs on October 27, 2022, prior to the filing of the
13 initial complaint in this action.

14 4. Attached hereto as **Exhibit 2** is a true and correct copy of another threatening and
15 disturbing message sent to counsel for Plaintiffs on November 4, 2022.

16 5. Attached hereto as **Exhibit 3** is a true and correct copy of a threatening and
17 disturbing message sent to the email address counsel for Plaintiffs set up for inquiries regarding
18 this case on November 5, 2022.

19 6. Notwithstanding the legitimate fears of physical violence, Plaintiffs have from the
20 outset of this litigation been willing to provide their true names to Defendants subject to
21 appropriate protections.

22 7. On November 23, 2022, at my direction, Counsel for Plaintiffs met and conferred
23 with counsel for Defendants in this case, regarding various initial case matters. On this call, the
24 Parties disagreed on whether the Plaintiffs’ true names should be immediately shared with
25 Defendants. Counsel for OpenAI suggested that the issue could be resolved by entering a
26 stipulated protective order so that the names could be disclosed under an appropriate
27 confidentiality designation. This course of action was agreeable to Counsel for Plaintiffs.

8. On December 14, 2022, Counsel for Plaintiffs transmitted a draft protective order to Counsel for Defendants. Counsel for Plaintiffs never received a response to this message. Attached hereto as **Exhibit 4** is a true and correct copy of the transmittal email dated December 14, 2022.

9. Five weeks later, on January 20, 2023, Counsel for Plaintiffs again transmitted Plaintiffs' draft stipulated protective order to Counsel for Defendants, and indicated Plaintiffs' intent to file a motion for entry of the protective order should Defendants' again fail to respond. Defendants did not respond to this message. Attached hereto as **Exhibit 5** is a true and correct copy of the transmittal email message dated January 20, 2023.

10. On January 23, 2023, Plaintiffs filed a motion for entry of a protective order. The protective order Plaintiffs sought to be entered was identical in all respects to the draft protective order circulated to Counsel for Defendants. That motion appears in the docket as ECF No. 49.

11. Only after Defendants filed their motions to dismiss did Counsel for Defendants agree to meet and confer with respect to a protective order. Thereafter, the Parties agreed upon a stipulated protective order. The stipulated protective order was entered by the Court on March 7, 2023. ECF No. 63.

12. Following the entry of the Stipulated Protective Order (ECF No. 63), Plaintiffs' counsel provided the identities of Does 1–4 to Defendants marked as Highly Confidential—Attorneys' Eyes Only, pursuant to the terms of the Stipulated Protective Order.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of March, 2023.

Joseph R. Saveri
Joseph R. Saveri